

REMARKSClaim Status

Claims 1-8, 11-24, and 26-29 are pending in the application. This paper amends claims 26 and 28, but does not cancel claims or add new claims. Claims 1, 24, 26, and 28 are the independent claims of the application.

Allowable Subject Matter

In the Office Action, the Examiner objected to claim 28 as being dependent upon a rejected base claim, but indicated that this claim would be allowable if rewritten in independent form, including all of the limitations of its base and all intervening claims. Applicant gratefully acknowledges the notification of allowable subject matter in claim 28. The claim has now been rewritten in independent form, including all of the limitations of its base claim 1. There were no intervening claims. Accordingly, claim 28 should now be allowable.

Art Rejections

Claims 1-4, 6, 8, 10, 11, 15-18, 24, 26, 27, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher *et al.*, U.S. Patent Number 5,835,896 ("Fisher") in view of Hill, U.S. Patent Number 5,970,471 ("Hill"). Claims 20-22 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over Fisher in view of Hill, and further in view of Official Notice. Claims 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Hill, and further in view of Anderson, U.S. Patent Number 6,538,698 (“Anderson”). Claims 12-14 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Hill, and further in view of Godin *et al.*, U.S. Patent Number 5,890,138 (“Godin”). Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Hill, and further in view of Burke, U.S. Patent Number 6,026,377 (“Burke”). For the following reasons, Applicant respectfully traverses these rejections.

We have previously argued that independent claim 1 recites a *personalized auction monitor for personalized auction monitoring of objects from the plurality of independently moving graphical arrays that have been selected for monitoring and bidding by a bidder, wherein the personalized auction monitor is periodically and automatically updated with new status information at user programmable intervals*, and that Fisher does not disclose or suggest such personalized auction monitor. In particular, we argued that means for selecting one or more objects for monitoring, such as Fisher’s pointing device 260, by itself is not a means for monitoring. In response to this argument, the Office Action asserted that “the exact limitation is ‘*means for **selecting** one or more objects...*’ [and this] limitation is directed to the function of selecting and not the function of *monitoring*.”

We respectfully request the Examiner to re-read the independent claims once again. Each of the independent claims recites in one variation or another a *personalized auction monitor*. Independent claim 1, for example, recites a “personalized auction monitor for personalized auction

monitoring of objects from the plurality of independently moving graphical arrays that have been selected for monitoring and bidding by a bidder, wherein the personalized auction monitor is periodically and automatically updated with new status information at user programmable intervals”; independent claim 24 recites a “personalized auction monitor for personalized auction monitoring of those objects selected by a bidder”; and independent claim 26, as amended, recites a “personalized auction monitor for personalized auction monitoring of those objects selected by a bidder, wherein the personalized auction monitor is periodically and automatically updated with new status information at user programmable intervals.” Fisher and the other references (Hill, Anderson, Godin, Burke) do not disclose or suggest these limitations. At least for this reason, Applicant respectfully submits that each of the independent claims 1, 24, and 26 is patentable over the references. Dependent claims should be patentable at least for the reasons applicable to their respective base claims and intervening claims, if any.

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that all pending claims are patentable. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

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/Anatoly S. Weiser/
Anatoly S. Weiser, Reg. No. 43,229
3525 Del Mar Heights Road, #295
San Diego, CA 92130
(858) 720-9431